

FILED

JUL 25 2025



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Certified order issued Jul 25, 2025

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals for the Fifth Circuit

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
United States Court of Appeals
Fifth Circuit DEPUTY CLERK

FILED

July 25, 2025

Lyle W. Cayce
Clerk

No. 24-50976

MANUEL ESQUIVEL, *Individually and as a representative of a class of similarly situated person, on behalf of* THE WHATABURGER 401(K) SAVINGS PLAN *formerly known as* THE WHATABURGER PROFIT SHARING AND 401(K) SAVINGS PLAN,

Plaintiff—Appellant,

versus

WHATABURGER RESTAURANTS, L.L.C.; THE BOARD OF DIRECTORS OF WHATABURGER RESTAURANTS, L.L.C.; THE WHATABURGER 401(K) SAVINGS PLAN ADMINISTRATIVE COMMITTEE, *formerly known as* The Whataburger Profit Sharing and 401(k) Savings Plan Administrative Committee; DOES No.1-20, *Whose Names Are Currently Unknown,*

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:24-CV-310-*XR*

CLERK'S OFFICE:

Under FED. R. APP. P.42(B), the appeal is dismissed as of July 25, 2025, pursuant to appellant's motion.

LYLE W. CAYCE

No. 24-50976

Clerk of the United States Court
of Appeals for the Fifth Circuit

Lisa E. Ferrara

By: _____
Lisa E. Ferrara, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT